



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BAKER & HOSTETLER LLP
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
WASHINGTON, DC 20036

COPY MAILED
NOV. 01 2006
OFFICE OF PETITIONS

In re Application of Stahl et al. : Decision on Petition
Application No. 10/774,410 :
Filing Date: February 10, 2004 :
Attorney Docket No. 87333.2462 :

This is a decision on the petition under 37 CFR 1.181, filed July 14, 2006, to withdraw the holding of abandonment.

The petition is **granted**.

A non-final Office action was mailed December 14, 2005.

The non-final Office action set a shortened statutory period for reply of three (3) months.

A reply and request for a two-month extension of time were filed April 21, 2006. Unfortunately, the reply incorrectly listed the application number as 10/744,410. As a result, the reply was not matched with the file for the instant application.

A Notice of Abandonment was mailed July 11, 2006.

At the discretion of the Office, a paper listing an incorrect application number may be considered timely and proper. The Office will accept papers as timely filed if the following criteria are met:

- (1) The papers contained sufficient information for the Office to recognize they included an incorrect application number.
- (2) The papers contained sufficient information for the Office to determine the correct application number.

The papers filed April 21, 2006, included information such as the correct attorney docket number, filing date, title, and the first inventor's name. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The extension of time fee applied to the wrong application has been appropriately applied and credited to the instant application.

Technology Center Art Unit 2876 will be informed of the instant decision and the examiner will consider the merits of the papers filed April 21, 2006, in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions